

109TH CONGRESS
2D SESSION

S. 2180

To provide more rigorous requirements with respect to disclosure and enforcement of ethics and lobbying laws and regulations, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 20, 2006

Mr. REID (for himself, Mr. DURBIN, Ms. STABENOW, Mr. SCHUMER, Mr. AKAKA, Mr. BAUCUS, Mr. BAYH, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. CARPER, Mrs. CLINTON, Mr. CONRAD, Mr. DAYTON, Mr. DORGAN, Mr. FEINGOLD, Mr. HARKIN, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. MENENDEZ, Ms. MIKULSKI, Mrs. MURRAY, Mr. OBAMA, Mr. REED, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. WYDEN, and Mr. INOUE) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To provide more rigorous requirements with respect to disclosure and enforcement of ethics and lobbying laws and regulations, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Honest Leadership and Open Government Act of 2006”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—CLOSING THE REVOLVING DOOR

Sec. 101. Extension of lobbying ban for former Members and employees of Congress and executive branch officials.

Sec. 102. Elimination of floor privileges for former Member lobbyists.

Sec. 103. Disclosure by Members of Congress and senior congressional staff of employment negotiations.

Sec. 104. Ethics review of employment negotiations by executive branch officials.

Sec. 105. Wrongfully influencing a private entity's employment decisions or practices.

TITLE II—FULL PUBLIC DISCLOSURE OF LOBBYING

Sec. 201. Quarterly filing of lobbying disclosure reports.

Sec. 202. Electronic filing of lobbying disclosure reports.

Sec. 203. Additional lobbying disclosure requirements.

Sec. 204. Disclosure of paid efforts to stimulate grassroots lobbying.

Sec. 205. Disclosure of lobbying activities by certain coalitions and associations.

Sec. 206. Disclosure by registered lobbyists of past executive and congressional employment.

Sec. 207. Creation of a comprehensive public database of lobbying disclosure information.

Sec. 208. Conforming amendment.

TITLE III—RESTRICTING CONGRESSIONAL TRAVEL AND GIFTS

Sec. 301. Ban on gifts from lobbyists.

Sec. 302. Prohibition on privately funded travel.

Sec. 303. Prohibiting lobbyist organization and participation in congressional travel.

Sec. 304. Disclosure of noncommercial air travel.

Sec. 305. Per diem expenses for congressional travel.

TITLE IV—ENFORCEMENT OF LOBBYING RESTRICTIONS

Sec. 401. Senate Office of Public Integrity.

Sec. 402. Increased civil and criminal penalties for failure to comply with lobbying disclosure requirements.

Sec. 403. Penalty for false certification in connection with congressional travel.

Sec. 404. Mandatory annual ethics training for congressional employees.

TITLE V—OPEN GOVERNMENT

Sec. 501. Sense of the Senate on conference committee protocols.

Sec. 502. Actual voting required in conference committee meetings.

Sec. 503. Availability of conference reports on the internet.

TITLE I—CLOSING THE REVOLVING DOOR

SEC. 101. EXTENSION OF LOBBYING BAN FOR FORMER MEMBERS AND EMPLOYEES OF CONGRESS AND EXECUTIVE BRANCH OFFICIALS.

Section 207 of title 18, United States Code, is amended—

(1) in subsection (c)—

(A) in the subsection heading, by striking “One-year” and inserting “Two-year”;

(B) in paragraph (1), by striking “1 year” and inserting “2 years” in both places it appears; and

(C) in paragraph (2)(B), by striking “1-year period” and inserting “2-year period;”

(2) in subsection (d)—

(A) in paragraph (1), by striking “1 year” and inserting “2 years”; and

(B) in paragraph (2)(A), by striking “1 year” and inserting “2 years”; and

(3) in subsection (e)—

(A) in paragraph (1)(A), by striking “1 year” and inserting “2 years”;

(B) in paragraph (2)(A), by striking “1 year” and inserting “2 years”;

1 (C) in paragraph (3), by striking “1 year”
 2 and inserting “2 years”;

3 (D) in paragraph (4), by striking “1 year”
 4 and inserting “2 years”;

5 (E) in paragraph (5)(A), by striking “1
 6 year” and inserting “2 years”; and

7 (F) in paragraph (6), by striking “1-year
 8 period” and inserting “2-year period”.

9 **SEC. 102. ELIMINATION OF FLOOR PRIVILEGES FOR**
 10 **FORMER MEMBER LOBBYISTS.**

11 Rule XXIII of the Standing Rules of the Senate is
 12 amended by inserting after “Ex-Senators and Senators
 13 elect” the following: “, except for any ex-Senator or Sen-
 14 ator elect who is a registered lobbyist”.

15 **SEC. 103. DISCLOSURE BY MEMBERS OF CONGRESS AND**
 16 **SENIOR CONGRESSIONAL STAFF OF EMPLOY-**
 17 **MENT NEGOTIATIONS.**

18 (a) SENATE.—Rule XXXVII of the Standing Rules
 19 of the Senate is amended by adding at the end the fol-
 20 lowing:

21 “13. (a) A Member of the Senate or an employee of
 22 the Senate earning in excess of 75 percent of the salary
 23 paid to a Senator shall notify the Committee on Ethics
 24 that he or she is negotiating or has any arrangement con-

cerning prospective private employment if a conflict of interest or the appearance of a conflict of interest may exist.

“(b) The disclosure and notification under subparagraph (a) shall be made within 3 business days after the commencement of such negotiation or arrangement.

“(c) A Member or employee to whom this rule applies shall recuse himself or herself from any matter in which there is a conflict of interest for that Member or employee under this rule and notify the Select Committee on Ethics of such recusal.

“(d)(1) The Select Committee on Ethics shall develop guidelines concerning conduct which is covered by this paragraph.

“(2) The Select Committee on Ethics shall maintain a current public record of all notifications received under subparagraph (a) and of all recusals under subparagraph (c).”.

SEC. 104. ETHICS REVIEW OF EMPLOYMENT NEGOTIATIONS

BY EXECUTIVE BRANCH OFFICIALS.

Section 208 of title 18, United States Code, is amended—

(1) in subsection (b)(1)—

(A) by inserting after “the Government official responsible for appointment to his or her

position” the following: “and the Office of Government Ethics”; and

(B) by striking “a written determination made by such official” and inserting “a written determination made by the Office of Government Ethics, after consultation with such official,”; and

(2) in subsection (b)(3), by striking “the official responsible for the employee’s appointment, after review of” and inserting “the Office of Government Ethics, after consultation with the official responsible for the employee’s appointment and after review of”; and

(3) in subsection (d)(1)—

(A) by striking “Upon request” and all that follows through “Ethics in Government Act of 1978.” and inserting “In each case in which the Office of Government Ethics makes a determination granting an exemption under subsection (b)(1) or (b)(3) to a person, the Office shall, not later than 3 business days after making such determination, make available to the public pursuant to the procedures set forth in section 105 of the Ethics in Government Act of 1978, and publish in the Federal Register, such

1 determination and the materials submitted by
 2 such person in requesting such exemption.”;
 3 and

4 (B) by striking “the agency may withhold”
 5 and inserting “the Office of Government Ethics
 6 may withhold”.

7 **SEC. 105. WRONGFULLY INFLUENCING A PRIVATE ENTITY’S**
 8 **EMPLOYMENT DECISIONS OR PRACTICES.**

9 (a) IN GENERAL.—Chapter 11 of title 18, United
 10 States Code, is amended by adding at the end the fol-
 11 lowing:

12 **“§ 226. Wrongfully influencing a private entity’s em-**
 13 **ployment decisions by a Member of Con-**
 14 **gress**

15 “Whoever, being a Senator or Representative in, or
 16 a Delegate or Resident Commissioner to, the Congress or
 17 an employee of either House of Congress, with the intent
 18 to influence on the basis of partisan political affiliation
 19 an employment decision or employment practice of any
 20 private entity—

21 “(1) takes or withholds, or offers or threatens
 22 to take or withhold, an official act; or

23 “(2) influences, or offers or threatens to influ-
 24 ence, the official act of another;

1 shall be fined under this title or imprisoned for not more
 2 than 15 years, or both, and may be disqualified from hold-
 3 ing any office of honor, trust, or profit under the United
 4 States.”.

5 (b) NO INFERENCE.—Nothing in section 226 of title
 6 18, United States Code, as added by this section, shall
 7 be construed to create any inference with respect to wheth-
 8 er the activity described in section 226 of title 18, United
 9 States Code, was already a criminal or civil offense prior
 10 to the enactment of this Act, including sections 201(b),
 11 201(c), and 216 of title 18, United States Code.

12 (c) CHAPTER ANALYSIS.—The chapter analysis for
 13 chapter 11 of title 18, United States Code, is amended
 14 by adding at the end the following:

“226. Wrongfully influencing a private entity’s employment decisions by a Mem-
 ber of Congress.”.

15 (d) SENATE RULES.—Rule XLIII of the Standing
 16 Rules of the Senate is amended by adding at the end the
 17 following:

18 “6. No Member shall, with the intent to influence on
 19 the basis of partisan political affiliation an employment
 20 decision or employment practice of any private entity—

21 “(1) take or withhold, or offer or threaten to
 22 take or withhold, an official act; or

23 “(2) influence, or offer or threaten to influence,
 24 the official act of another.”.

TITLE II—FULL PUBLIC DISCLOSURE OF LOBBYING

SEC. 201. QUARTERLY FILING OF LOBBYING DISCLOSURE REPORTS.

(a) QUARTERLY FILING REQUIRED.—Section 5 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604) is amended—

(1) in subsection (a)—

(A) by striking “Semiannual” and inserting “Quarterly”;

(B) by striking “the semiannual period” and all that follows through “July of each year” and insert “the quarterly period beginning on the first days of January, April, July, and October of each year”; and

(C) by striking “such semiannual period” and insert “such quarterly period”; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “semiannual report” and inserting “quarterly report”;

(B) in paragraph (2), by striking “semiannual filing period” and inserting “quarterly period”;

1 (C) in paragraph (3), by striking “semi-
 2 annual period” and inserting “quarterly pe-
 3 riod”; and

4 (D) in paragraph (4), by striking “semi-
 5 annual filing period” and inserting “quarterly
 6 period”.

7 (b) CONFORMING AMENDMENTS.—

8 (1) DEFINITION.—Section 3(10) of the Lob-
 9 bying Disclosure Act of 1995 (2 U.S.C. 1602) is
 10 amended by striking “six month period” and insert-
 11 ing “three-month period”.

12 (2) REGISTRATION.—Section 4 of the Lobbying
 13 Disclosure Act of 1995 (2 U.S.C. 1603) is amend-
 14 ed—

15 (A) in subsection (a)(3)(A), by striking
 16 “semiannual period” and inserting “quarterly
 17 period”; and

18 (B) in subsection (b)(3)(A), by striking
 19 “semiannual period” and inserting “quarterly
 20 period”.

21 (3) ENFORCEMENT.—Section 6 of the Lobbying
 22 Disclosure Act of 1995 (2 U.S.C. 1605) is amended
 23 in paragraph (6) by striking “semiannual period”
 24 and inserting “quarterly period”.

1 (4) ESTIMATES.—Section 15 of the Lobbying
2 Disclosure Act of 1995 (2 U.S.C. 1610) is amend-
3 ed—

4 (A) in subsection (a)(1), by striking “semi-
5 annual period” and inserting “quarterly pe-
6 riod”; and

7 (B) in subsection (b)(1), by striking “semi-
8 annual period” and inserting “quarterly pe-
9 riod”.

10 (5) DOLLAR AMOUNTS.—

11 (A) Section 4 of the Lobbying Disclosure
12 Act of 1995 (2 U.S.C. 1603) is amended—

13 (i) in subsection (a)(3)(A)(i), by strik-
14 ing “\$5,000” and inserting “\$2,500”;

15 (ii) in subsection (a)(3)(A)(ii), by
16 striking “\$20,000” and inserting
17 “\$10,000”;

18 (iii) in subsection (b)(3)(A), by strik-
19 ing “\$10,000” and inserting “\$5,000”;
20 and

21 (iv) in subsection (b)(4), by striking
22 “\$10,000” and inserting “\$5,000”.

23 (B) Section 5 of the Lobbying Disclosure
24 Act of 1995 (2 U.S.C. 1604) is amended—

1 (i) in subsection (c)(1), by striking
 2 “\$10,000” and “\$20,000” and inserting
 3 “\$5,000” and “\$10,000”, respectively; and
 4 (ii) in subsection (c)(2), by striking
 5 “\$10,000” both places such term appears
 6 and inserting “\$5,000”.

7 **SEC. 202. ELECTRONIC FILING OF LOBBYING DISCLOSURE**
 8 **REPORTS.**

9 Section 5 of the Lobbying Disclosure Act of 1995 (2
 10 U.S.C. 1604) is amended by adding at the end the fol-
 11 lowing:

12 “(d) ELECTRONIC FILING REQUIRED.—A report re-
 13 quired to be filed under this section shall be filed in elec-
 14 tronic form, in addition to any other form that may be
 15 required by the Secretary of the Senate or the Clerk of
 16 the House of Representatives. The Secretary of the Senate
 17 and the Clerk of the House of Representatives shall pro-
 18 vide for public access to such reports on the Internet.”.

19 **SEC. 203. ADDITIONAL LOBBYING DISCLOSURE REQUIRE-**
 20 **MENTS.**

21 (a) DISCLOSURE OF CONTRIBUTIONS AND PAY-
 22 MENTS.—Section 5(b) of the Lobbying Disclosure Act of
 23 1995 (2 U.S.C. 1604(b)) is amended—

1 (1) in paragraph (5), as added by section
 2 204(c), by striking the period and inserting a semi-
 3 colon; and

4 (2) by adding at the end the following:

5 “(6) for each registrant (and for any political
 6 committee, as defined in section 301(4) of the Fed-
 7 eral Election Campaign Act of 1971 (2 U.S.C.
 8 431(4)), affiliated with such registrant) and for each
 9 employee listed as a lobbyist by a registrant under
 10 paragraph 2(C), the name of each Federal candidate
 11 or officeholder, leadership PAC, or political party
 12 committee, to whom a contribution was made, and
 13 the amount of such contribution; and

14 “(7) a certification that the lobbying firm or
 15 registrant has not provided, requested, or directed a
 16 gift, including travel, to a Member or employee of
 17 Congress in violation of rule XXXV of the Standing
 18 Rules of the Senate.”.

19 (b) LEADERSHIP PAC.—Section 3 of the Lobbying
 20 Disclosure Act of 1995 (2 U.S.C. 1602) is amended by
 21 adding at the end the following:

22 “(17) LEADERSHIP PAC.—The term ‘leadership
 23 PAC’ means an unauthorized multicandidate polit-
 24 ical committee that is established, financed, main-

1 tained, and controlled by an individual who is a Fed-
 2 eral officeholder or a candidate for Federal office.”.

3 (c) **FULL AND DETAILED ACCOUNTING.**—Section
 4 5(c)(1) of the Lobbying Disclosure Act of 1995 (2 U.S.C.
 5 1604(c)(1)) is amended by striking “shall be rounded to
 6 the nearest \$20,000” and inserting “shall be rounded to
 7 the nearest \$1,000”.

8 **SEC. 204. DISCLOSURE OF PAID EFFORTS TO STIMULATE**
 9 **GRASSROOTS LOBBYING.**

10 (a) **DISCLOSURE OF PAID EFFORTS TO STIMULATE**
 11 **GRASSROOTS LOBBYING.**—Section 3 of the Lobbying Dis-
 12 closure Act of 1995 (2 U.S.C. 1602) is amended—

13 (1) in paragraph (7), by adding at the end the
 14 following: “Lobbying activities include paid efforts to
 15 stimulate grassroots lobbying, but do not include
 16 grassroots lobbying.”; and

17 (2) by adding at the end the following:

18 “(18) **GRASSROOTS LOBBYING.**—The term
 19 ‘grassroots lobbying’ means the voluntary efforts of
 20 members of the general public to communicate their
 21 own views on an issue to Federal officials or to en-
 22 courage other members of the general public to do
 23 the same.

1 “(19) PAID EFFORTS TO STIMULATE GRASS-
2 ROOTS LOBBYING.—The term ‘paid efforts to stimu-
3 late grassroots lobbying’—

4 “(A) means any paid attempt to influence
5 the general public, or segments thereof, to en-
6 gage in grassroots lobbying or lobbying con-
7 tacts; and

8 “(B) does not include any attempt de-
9 scribed in subparagraph (A) by a person or en-
10 tity directed to its members, employees, officers
11 or shareholders, unless such attempt is financed
12 with funds directly or indirectly received from
13 or arranged by a lobbyist or other registrant
14 under this Act retained by another person or
15 entity.

16 “(20) GRASSROOTS LOBBYING FIRM.—The term
17 ‘grassroots lobbying firm’ means a person or entity
18 that—

19 “(A) is retained by 1 or more clients to en-
20 gage in paid efforts to stimulate grassroots lob-
21 bying on behalf of such clients; and

22 “(B) receives income of, or spends or
23 agrees to spend, an aggregate of \$50,000 or
24 more for such efforts in any quarterly period.”.

1 (b) REGISTRATION.—Section 4(a) of the Act (2
2 U.S.C. 1603(a)) is amended—

3 (1) in paragraph (1), by striking “45” and in-
4 serting “20”;

5 (2) in the flush matter at the end of paragraph
6 (3)(A)—

7 (A) by striking “as estimated” and insert-
8 ing “as included”; and

9 (B) by adding at the end the following:
10 “For purposes of clauses (i) and (ii) the term
11 ‘lobbying activities’ shall not include paid ef-
12 forts to stimulate grassroots lobbying.”;

13 (3) by redesignating paragraph (3) as para-
14 graph (4); and

15 (4) by inserting after paragraph (2) the fol-
16 lowing:

17 “(3) GRASSROOTS LOBBYING FIRMS.—Not later
18 than 20 days after a grassroots lobbying firm first
19 is retained by a client to engage in paid efforts to
20 stimulate grassroots lobbying, such grassroots lob-
21 bying firm shall register with the Secretary of the
22 Senate and the Clerk of the House of Representa-
23 tives.”.

1 (c) SEPARATE ITEMIZATION OF PAID EFFORTS TO
 2 STIMULATE GRASSROOTS LOBBYING.—Section 5(b) of the
 3 Act (2 U.S.C. 1604(b)) is amended—

4 (1) in paragraph (3), by—

5 (A) inserting after “total amount of all in-
 6 come” the following: “(including a separate
 7 good faith estimate of the total amount relating
 8 specifically to paid efforts to stimulate grass-
 9 roots lobbying and, within that amount, a good
 10 faith estimate of the total amount specifically
 11 relating to paid advertising)”; and

12 (B) striking “and” after the semicolon;

13 (2) in paragraph (4), by—

14 (A) inserting after “total expenses” the
 15 following: “(including a good faith estimate of
 16 the total amount relating specifically to paid ef-
 17 forts to stimulate grassroots lobbying and, with-
 18 in that total amount, a good faith estimate of
 19 the total amount specifically relating to paid
 20 advertising)”; and

21 (B) striking the period and inserting a
 22 semicolon;

23 (3) by adding at the end the following:

24 “(5) in the case of a grassroots lobbying firm,
 25 for each client—

1 “(A) a good faith estimate of the total dis-
 2 bursements made for grassroots lobbying activi-
 3 ties, and a subtotal for disbursements made for
 4 grassroots lobbying through paid advertising;

5 “(B) identification of each person or entity
 6 other than an employee who received a dis-
 7 bursement of funds for grassroots lobbying ac-
 8 tivities of \$10,000 or more during the period
 9 and the total amount each person or entity re-
 10 ceived; and

11 “(C) if such disbursements are made
 12 through a person or entity who serves as an
 13 intermediary or conduit, identification of each
 14 such intermediary or conduit, identification of
 15 the person or entity who receives the funds, and
 16 the total amount each such person or entity re-
 17 ceived.”; and

18 (4) by adding at the end the following:

19 “Subparagraphs (B) and (C) of paragraph (2) shall not
 20 apply with respect to reports relating to paid efforts to
 21 stimulate grassroots lobbying activities.”.

22 (d) LARGE GRASSROOTS EXPENDITURE.—Section
 23 5(a) of the Act (2 U.S.C. 1604(a)) is amended—

24 (1) by striking “No later” and inserting:

1 “(1) IN GENERAL.—Except as provided in para-
2 graph (2), not later”; and

3 (2) by adding at the end the following:

4 “(2) LARGE GRASSROOTS EXPENDITURE.—A
5 registrant that is a grassroots lobbying firm and
6 that receives income of, or spends or agrees to
7 spend, an aggregate amount of \$250,000 or more on
8 paid efforts to stimulate grassroots lobbying for a
9 client, or for a group of clients for a joint effort,
10 shall file—

11 “(A) a report under this section not later
12 than 20 days after receiving, spending, or
13 agreeing to spend that amount; and

14 “(B) an additional report not later than 20
15 days after each time such registrant receives in-
16 come of, or spends or agrees to spend, an ag-
17 gregate amount of \$250,000 or more on paid
18 efforts to stimulate grassroots lobbying for a
19 client, or for a group of clients for a joint ef-
20 fort.”.

21 **SEC. 205. DISCLOSURE OF LOBBYING ACTIVITIES BY CER-**
22 **TAIN COALITIONS AND ASSOCIATIONS.**

23 (a) IN GENERAL.—Section 4(b)(3)(B) of the Lob-
24 bying Disclosure Act of 1995 (2 U.S.C. 1603(b)(3)(B))
25 is amended to read as follows:

1 “(B) participates in the planning, super-
2 vision or control of such lobbying activities;”.

3 (b) NO DONOR OR MEMBERSHIP LIST DISCLO-
4 SURE.—Section 4(b) of the Lobbying Disclosure Act of
5 1995 (2 U.S.C. 1603(b)) is amended by adding at the end
6 the following:

7 “No disclosure is required under paragraph (3)(B) if it
8 is publicly available knowledge that the organization that
9 would be identified is affiliated with the client or has been
10 publicly disclosed to have provided funding to the client,
11 unless the organization in whole or in major part plans,
12 supervises or controls such lobbying activities. Nothing in
13 paragraph (3)(B) shall be construed to require the disclo-
14 sure of any information about individuals who are mem-
15 bers of, or donors to, an entity treated as a client by this
16 Act or an organization identified under that paragraph.”.

17 **SEC. 206. DISCLOSURE BY REGISTERED LOBBYISTS OF**
18 **PAST EXECUTIVE AND CONGRESSIONAL EM-**
19 **PLOYMENT.**

20 Section 4(b)(6) of the Lobbying Disclosure Act of
21 1995 (2 U.S.C. 1603(b)(6)) is amended by striking “or
22 a covered legislative branch official” and all that follows
23 through “as a lobbyist on behalf of the client,” and insert-
24 ing “or a covered legislative branch official,”.

1 **SEC. 207. CREATION OF A COMPREHENSIVE PUBLIC DATA-**
2 **BASE OF LOBBYING DISCLOSURE INFORMA-**
3 **TION.**

4 (a) DATABASE REQUIRED.—Section 6 of the Lob-
5 bying Disclosure Act of 1995 (2 U.S.C. 1605) is amend-
6 ed—

7 (1) in paragraph (7), by striking “and” at the
8 end;

9 (2) in paragraph (8), by striking the period at
10 the end and inserting “; and”; and

11 (3) by adding at the end the following new
12 paragraph:

13 “(9) maintain, and make available to the public
14 over the Internet, without a fee or other access
15 charge, in a searchable and downloadable manner,
16 an electronic database that includes the information
17 contained in registrations and reports filed under
18 this Act.”.

19 (b) AVAILABILITY OF REPORTS.—Section 6(4) of the
20 Lobbying Disclosure Act of 1995 is amended by inserting
21 before the semicolon at the end the following: “and, in
22 the case of a report filed in electronic form pursuant to
23 section 5(d), shall make such report available for public
24 inspection over the Internet not more than 48 hours after
25 the report is so filed”.

1 (c) AUTHORIZATION OF APPROPRIATIONS.—There
 2 are authorized to be appropriated such sums as may be
 3 necessary to carry out section 6(9) of the Lobbying Dislo-
 4 sure Act of 1995, as added by subsection (a).

5 **SEC. 208. CONFORMING AMENDMENT.**

6 The requirements of this Act shall not apply to the
 7 activities of any political committee described in section
 8 301(4) of the Federal Election Campaign Act of 1971.

9 **TITLE III—RESTRICTING CON-**
 10 **GRESSIONAL TRAVEL AND**
 11 **GIFTS**

12 **SEC. 301. BAN ON GIFTS FROM LOBBYISTS.**

13 (a) IN GENERAL.—Paragraph 1(a)(2) of rule XXXV
 14 of the Standing Rules of the Senate is amended by adding
 15 at the end the following: “This clause shall not apply to
 16 a gift from a lobbyist.”.

17 (b) RULES COMMITTEE REVIEW.—The Committee
 18 on Rules and Administration shall review the present ex-
 19 ceptions to the Senate gift rule and make recommenda-
 20 tions to the Senate not later than 3 months after the date
 21 of enactment of this Act on eliminating all but those which
 22 are absolutely necessary to effectuate the purpose of the
 23 rule.

1 **SEC. 302. PROHIBITION ON PRIVATELY FUNDED TRAVEL.**

2 Paragraph 2(a)(1) of rule XXXV of the Standing
3 Rules of the Senate is amended by striking “an indi-
4 vidual” and inserting “an organization recognized under
5 section 501(c)(3) of the Internal Revenue Code of 1986
6 that is not affiliated with any group that lobbies before
7 Congress”.

8 **SEC. 303. PROHIBITING LOBBYIST ORGANIZATION AND**
9 **PARTICIPATION IN CONGRESSIONAL TRAVEL.**

10 (a) IN GENERAL.—Paragraph 2 of rule XXXV of the
11 Standing Rules of the Senate is amended by adding at
12 the end the following:

13 “(g) A Member, officer, or employee may not accept
14 transportation or lodging on any trip sponsored by an or-
15 ganization recognized under section 501(c)(3) of the Inter-
16 nal Revenue Code of 1986 covered by this paragraph that
17 is planned, organized, requested, arranged, or financed in
18 whole, or in part by a lobbyist or foreign agent, or in which
19 a lobbyist participates.

20 “(h) Before a Member, officer, or employee may ac-
21 cept transportation or lodging otherwise permissible under
22 this paragraph from any person, such Member, officer, or
23 employee shall obtain a written certification from such
24 person (and provide a copy of such certification to the Se-
25 lect Committee on Ethics) that—

1 “(1) the trip was not planned, organized, re-
 2 requested, arranged, or financed in whole, or in part
 3 by a registered lobbyist or foreign agent and was not
 4 organized at the request of a registered lobbyist or
 5 foreign agent;

6 “(2) registered lobbyists will not participate in
 7 or attend the trip; and

8 “(3) the person did not accept, from any
 9 source, funds specifically earmarked for the purpose
 10 of financing the travel expenses.

11 The Select Committee on Ethics shall make public infor-
 12 mation received under this subparagraph as soon as pos-
 13 sible after it is received.”.

14 (b) CONFORMING AMENDMENTS.—Paragraph 2(c) of
 15 rule XXXV of the Standing Rules of the Senate is amend-
 16 ed—

17 (1) by striking “of expenses reimbursed or to be
 18 reimbursed”;

19 (2) in clause (5), by striking “and” after the
 20 semicolon;

21 (3) in clause (6), by striking the period and in-
 22 serting “; and”; and

23 (4) by adding at the end the following:

24 “(7) a description of meetings and events at-
 25 tended during such travel, except when disclosure of

1 such information is deemed by the Member or super-
 2 visor under whose direct supervision the employee
 3 works to jeopardize the safety of an individual or
 4 otherwise interfere with the official duties of the
 5 Member, officer, or employee.”.

6 (c) PUBLIC AVAILABILITY.—Paragraph 2(e) of rule
 7 XXXV is amended to read as follows:

8 “(e) The Secretary of the Senate shall make available
 9 to the public all advance authorizations, certifications, and
 10 disclosures filed pursuant to subparagraphs (a) and (h)
 11 as soon as possible after they are received.”.

12 **SEC. 304. DISCLOSURE OF NONCOMMERCIAL AIR TRAVEL.**

13 A Member, officer, or employee of the Senate shall—

14 (1) disclose a flight on an aircraft that is not
 15 licensed by the Federal Aviation Administration to
 16 operate for compensation or hire, taken in connec-
 17 tion with the duties of the Member, officer, or em-
 18 ployee as an officeholder or Senate officer or em-
 19 ployee; and

20 (2) with respect to the flight, file a report with
 21 the Secretary of the Senate, including the date, des-
 22 tination, and owner or lessee of the aircraft and the
 23 purpose of the trip.

1 **SEC. 305. PER DIEM EXPENSES FOR CONGRESSIONAL TRAV-**
 2 **EL.**

3 (a) SENATE.—Rule XXXV of the Standing Rules of
 4 the Senate is amended by adding at the end the following:
 5 “7. Not later than 90 days after the date of adoption
 6 of this paragraph and at annual intervals thereafter, the
 7 Committee on Rules and Administration shall develop and
 8 revise, as necessary, guidelines on what constitutes ‘rea-
 9 sonable expenses’ or ‘reasonable expenditures’ for pur-
 10 poses of this rule. In developing and revising the guide-
 11 lines, the committee shall take into account the maximum
 12 per diem rates for official Government travel published an-
 13 nually by the General Services Administration, the De-
 14 partment of State, and the Department of Defense.”.

15 **TITLE IV—ENFORCEMENT OF**
 16 **LOBBYING RESTRICTIONS**

17 **SEC. 401. SENATE OFFICE OF PUBLIC INTEGRITY.**

18 (a) ESTABLISHMENT.—There is established in the
 19 Senate an office to be known as the “Senate Office of Pub-
 20 lic Integrity” (referred to in this section as the “Office”),
 21 which shall be headed by a Senate Director of Public In-
 22 tegrity (hereinafter referred to as the “Director”).

23 (b) OFFICE.—The Office shall receive lobbyists’ dis-
 24 closures on behalf of the Senate under the Lobbying Dis-
 25 closure Act of 1995 and conduct such audits and inves-

1 tigungen as are necessary to ensure compliance with the
2 Act.

3 (c) REFERRAL AUTHORITY.—The Office shall have
4 authority to refer violations of the Lobbying Disclosure
5 Act of 1995 to the Select Committee on Ethics and the
6 Department of Justice for disciplinary action.

7 (d) DIRECTOR.—

8 (1) IN GENERAL.—The Director shall be ap-
9 pointed by the President pro tempore of the Senate
10 from among recommendations submitted by the ma-
11 jority and minority leaders of the Senate. Any ap-
12 pointment made under this subsection shall be made
13 without regard to political affiliation and solely on
14 the basis of fitness to perform the duties of the posi-
15 tion. Any person appointed as Director shall be
16 learned in the law, a member of the bar of a State
17 or the District of Columbia, and shall not engage in
18 any other business, vocation, or employment during
19 the term of such appointment.

20 (2) OVERSIGHT.—The Director shall report to
21 a joint leadership group consisting of the President
22 pro tempore, the Majority Leader, and the Minority
23 Leader.

24 (3) TERMS OF SERVICE.—Any appointment
25 made under paragraph (1) shall become effective

1 upon approval by resolution of the Senate. The Di-
2 rector shall be appointed for a term of service which
3 shall expire at the end of the Congress following the
4 Congress during which the Director is appointed ex-
5 cept that the Senate may, by resolution, remove Di-
6 rector prior to the termination of any term of serv-
7 ice. The Director may be reappointed at the termi-
8 nation of any term of service.

9 (4) COMPENSATION.—The Director shall re-
10 ceive compensation at a rate equal to the annual
11 rate of basic pay for level III of the Executive
12 Schedule under section 5314 of title 5, United
13 States Code .

14 (5) STAFF.—The Director shall hire such addi-
15 tional staff as are required to carry out this section,
16 including investigators and accountants.

17 (e) AUDITS AND INVESTIGATIONS.—

18 (1) IN GENERAL.—The Office shall audit lob-
19 bying registrations and reports filed pursuant to the
20 Lobbying Disclosure Act of 1995 to determine the
21 extent of compliance or non-compliance with the re-
22 quirements of such Act by lobbyists and their cli-
23 ents.

24 (2) EVIDENCE OF NON-COMPLIANCE.—If in the
25 course an audit conducted pursuant to the require-

1 ments of paragraph (1), the Office obtains informa-
2 tion indicating that a person or entity may be in
3 non-compliance with the requirements of the Lob-
4 bying Disclosure Act of 1995, the Office shall refer
5 the matter to the Select Committee on Ethics or the
6 United States Attorney for the District of Columbia,
7 as appropriate

8 (f) TRANSFER OF RECORDS.—On the date that is 90
9 days after the date of enactment of this Act, the Office
10 of Public Records of the Senate shall transfer all authority
11 and records of that office to the Senate Office of Public
12 Integrity.

13 (g) CONFORMING AMENDMENTS.—

14 (1) NEW OFFICE.—Section 6 of the Lobbying
15 Disclosure Act of 1995 (2 U.S.C. 1605) is amended
16 by striking “Secretary of the Senate” and inserting
17 “Senate Office of Public Integrity”.

18 (2) AUDIT AUTHORITY.—Section 8 of the Lob-
19 bying Disclosure Act of 1995 (2 U.S.C. 1607) is
20 amended by striking subsection (c).

21 (h) AUTHORIZATION OF APPROPRIATIONS.—There
22 are authorized to be appropriated in a separate account
23 such sums as are necessary to carry out this section.

1 **SEC. 402. INCREASED CIVIL AND CRIMINAL PENALTIES FOR**
 2 **FAILURE TO COMPLY WITH LOBBYING DIS-**
 3 **CLOSURE REQUIREMENTS.**

4 Section 7 of the Lobbying Disclosure Act of 1995 (2
 5 U.S.C. 1606) is amended—

6 (1) by inserting “ (a) CIVIL PENALTY.—” be-
 7 fore “Whoever”;

8 (2) by striking “\$50,000” and inserting
 9 “\$100,000”; and

10 (3) by adding at the end the following:

11 “(b) CRIMINAL PENALTY.—

12 “(1) IN GENERAL.—Whoever knowingly and
 13 wilfully fails to comply with any provision of this
 14 section shall be imprisoned for not more than 5
 15 years, or fined under title 18, United States Code,
 16 or both.

17 “(2) CORRUPTLY.—Whoever knowingly,
 18 wilfully, and corruptly fails to comply with any pro-
 19 vision of this section shall be imprisoned for not
 20 more than 10 years, or fined under title 18, United
 21 States Code, or both.”.

22 **SEC. 403. PENALTY FOR FALSE CERTIFICATION IN CONNEC-**
 23 **TION WITH CONGRESSIONAL TRAVEL.**

24 (a) CIVIL FINE.—

25 (1) IN GENERAL.—Whoever makes a false cer-
 26 tification in connection with the travel of a Member,

1 officer, or employee of either House of Congress
2 (within the meaning given those terms in section
3 207 of title 18, United States Code), under para-
4 graph 2(h) of rule XXXV of the Standing Rules of
5 the Senate, shall, upon proof of such offense by a
6 preponderance of the evidence, be subject to a civil
7 fine depending on the extent and gravity of the vio-
8 lation.

9 (2) MAXIMUM FINE.—The maximum fine per
10 offense under this section depends on the number of
11 separate trips in connection with which the person
12 committed an offense under this subsection, as fol-
13 lows:

14 (A) FIRST TRIP.—For each offense com-
15 mitted in connection with the first such trip,
16 the amount of the fine shall be not more than
17 \$100,000 per offense.

18 (B) SECOND TRIP.—For each offense com-
19 mitted in connection with the second such trip,
20 the amount of the fine shall be not more than
21 \$300,000 per offense.

22 (C) ANY OTHER TRIPS.—For each offense
23 committed in connection with any such trip
24 after the second, the amount of the fine shall
25 be not more than \$500,000 per offense.

1 (3) ENFORCEMENT.—The Attorney General
2 may bring an action in United States district court
3 to enforce this subsection.

4 (b) CRIMINAL PENALTY.—

5 (1) IN GENERAL.—Whoever knowingly and
6 wilfully fails to comply with any provision of this
7 section shall be imprisoned for not more than 5
8 years, or fined under title 18, United States Code,
9 or both.

10 (2) CORRUPTLY.—Whoever knowingly, wilfully,
11 and corruptly fails to comply with any provision of
12 this section shall be imprisoned for not more than
13 10 years, or fined under title 18, United States
14 Code, or both.

15 **SEC. 404. MANDATORY ANNUAL ETHICS TRAINING FOR**
16 **CONGRESSIONAL EMPLOYEES.**

17 (a) ETHICS TRAINING.—

18 (1) IN GENERAL.—The Committee on Ethics
19 shall provide annual ethics training to each employee
20 of the Senate which shall include knowledge of the
21 Official Code of Conduct and related Senate rules.

22 (2) SECRETARY OF THE SENATE.—The Sec-
23 retary of the Senate shall assist the Committee on
24 Ethics in providing training required by this sub-
25 section.

1 (3) NEW EMPLOYEES.—A new employee of the
2 Senate shall receive training under this section not
3 later than 60 days after beginning service to the
4 Senate.

5 (b) CERTIFICATION.—Not later than January 31 of
6 each year, each employee of the Senate shall file a certifi-
7 cation with the Committee on Ethics that the employee
8 attended ethics training in the last year as established by
9 this section.

10 **TITLE V—OPEN GOVERNMENT**

11 **SEC. 501. SENSE OF THE SENATE ON CONFERENCE COM- 12 MITTEE PROTOCOLS.**

13 It is the sense of Senate that—

14 (1) conference committees should hold regular,
15 formal meetings of all conferees that are open to the
16 public;

17 (2) all conferees should be given adequate no-
18 tice of the time and place of all such meetings;

19 (3) all conferees should be afforded an oppor-
20 tunity to participate in full and complete debates of
21 the matters that such conference committees may
22 recommend to their respective Houses;

23 (4) all matters before a conference committee
24 should be resolved in conference by votes on the pub-
25 lic record; and

1 (5) existing rules should be enforced and new
 2 rules adopted in the Senate to shine the light on
 3 special interest legislation that is enacted in the
 4 dead of night.

5 **SEC. 502. ACTUAL VOTING REQUIRED IN CONFERENCE**
 6 **COMMITTEE MEETINGS.**

7 Rule XXVIII of the Standing Rules of the Senate is
 8 amended by adding at the end the following:

9 “8. Each Senate member of a conference committee
 10 shall be afforded an opportunity at an open meeting of
 11 the conference to vote on the full text of the proposed re-
 12 port of the conference.”.

13 **SEC. 503. AVAILABILITY OF CONFERENCE REPORTS ON**
 14 **THE INTERNET.**

15 Rule XXVIII of all the Standing Rules of the Senate
 16 is amended by adding at the end the following:

17 “9. It shall not be in order in the Senate to consider
 18 a conference report unless such report is available to all
 19 Members and made available to the general public by
 20 means of the Internet for at least 24 hours before its con-
 21 sideration.”.

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